

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS, et al.,

Defendants

No. 41 CV 1395 (WCC)

In the Matter of the Application of HICKS  
BROADCASTING OF INDIANA, LLC, et al.,

Applicant,

For the Determination of Reasonable License Fees.

**CONSENT JUDGMENT**

WHEREAS, the parties to the above-captioned proceeding having consented to have this Court (Conner, J.) hear and determine the application of applicants Hicks Broadcasting of Indiana, LLC, et al., for reasonable license fees for licenses from the American Society of Composers, Authors and Publishers ("ASCAP") for periods commencing January 1, 2001; and this Court having issued its Final Order in the above-captioned proceeding on October 14, 2004, approving the ASCAP 2004 Radio Station License Agreement ("ASCAP License Agreement"), covering the period January 1, 2001 through December 31, 2009 ("the License Period"); and

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AND ROY HENDERSON 2/25/09

WHEREAS, pursuant to Paragraph 7 of the Final Order this Court retained continuing jurisdiction for the purpose of enforcing the Final Order, as well as “the terms, conditions and obligations of the ASCAP License Agreement”; and

WHEREAS, on December 11, 2008, ASCAP filed a motion to enforce the Final Order against Roy E. Henderson, individually, and his various corporate entities (identified below); and

WHEREAS, Roy E. Henderson (individually), Great Northern Broadcasting System, Inc., FBMBBC, Inc., La Grange Broadcasting Corporation, Farmers Communications, New Ulm Broadcasting Co., and Cameron Broadcasting Company (collectively referred to as “Henderson”), are now, or have been during all relevant periods, the F.C.C. licensees, owners and operators of the radio stations identified on Schedule A attached to this Judgment (“the Henderson Stations”).

WHEREAS, the Henderson Stations are now, and have been during all relevant periods, licensed by ASCAP pursuant to the ASCAP License Agreement and therefore are “Bound Stations” as that term is used in the Final Order entered by this Court on October 14, 2004; and

WHEREAS, as of this date Henderson owes ASCAP a total of \$215,000.00 for the Henderson Stations, representing unpaid license fees and late payment charges for periods through January 31, 2009; and

WHEREAS, ASCAP and Henderson have agreed to the entry of this Consent Judgment;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Judgment is hereby entered against Roy E. Henderson, Great Northern Broadcasting System, Inc., FBMBBC, Inc., La Grange Broadcasting Corporation, Farmers Communications, New Ulm Broadcasting Co., and Cameron Broadcasting Company (or “Henderson”), jointly and severally, in favor of ASCAP in the amount of \$215,000.00 (“Judgment Amount”).

2. Henderson shall pay the Judgment Amount to ASCAP as follows:

- a. Twenty-five Thousand Dollars (\$25,000.00) on or before March 20, 2009;  
and
- b. The balance of the Judgment Amount plus accrued interest on or before June 30, 2009.

3. Failure by Henderson to pay any portion of the Judgment Amount on a timely basis shall entitle ASCAP to have execution issue immediately on this Judgment and without further notice to collect any balance then due pursuant to this Judgment. If Henderson fails to pay to ASCAP when due current monthly license fees for the Henderson Stations for any of the months of February 2009 through June 2009, ASCAP shall give Henderson written notice of such default; and Henderson’s failure to cure such default within ten business days from the date of ASCAP’s notice shall entitle ASCAP to have execution issue immediately on this Judgment and without further notice to collect any balance then due pursuant to this Judgment. Henderson will be responsible for all costs incurred by ASCAP in bank fees and penalties that result from the failure of a check made payable to ASCAP by Henderson to clear for payment.

4. Interest on the Judgment Amount shall accrue at the rate of four percent (4%) per annum (compounded) from the date of entry; provided, however, that if (i) the Judgment Amount is paid in full on or before June 30, 2009; and (ii) all monthly license fees for the Henderson Stations are paid in a timely fashion for the period February 2009 through June 2009, interest on the Judgment Amount shall be waived.

5. This Judgment shall not be registered in any United States District Court in which Henderson resides or does business unless and until such time as ASCAP may be entitled to have execution issue on this Judgment.

Dated: February 25, 2009  
White Plains, New York

William C. Conner  
Sr. United States District Judge

We consent to the entry of the foregoing Consent Judgment:

Dated: 2/23/2009

Dated: 2/20/2009

AMERICAN SOCIETY OF  
COMPOSERS, AUTHORS AND  
PUBLISHERS

By: [Signature]  
Richard H. Reimer (RHR 7878)  
Christine A. Pepe (CAP 5688)  
Attorney for ASCAP  
One Lincoln Plaza  
New York, New York 10023  
Phone: (212) 621-6261  
Fax: (212) 787-1381

[Signature]  
Roy E. Henderson, Individually and on behalf  
of Great Northern Broadcasting System, Inc.,  
FBMBC, Inc., La Grange Broadcasting  
Corporation, Farmers Communications, New  
Ulm Broadcasting Co., and Cameron  
Broadcasting Company

13999 S. West Bay Shore Drive  
Traverse City, MI 49684

**SCHEDULE A**

<b>Henderson Stations' Call Letters</b>	<b>Band</b>	<b>FCC Licensee/Owner Name</b>	<b>License City</b>	<b>State</b>	<b>Monthly ASCAP 2009 License Fee Amount</b>
KMIL	FM	Cameron Broadcasting Co.	Cameron	TX	\$101.00
KTWL	FM	Roy E. Henderson d/b/a Farmers Communications	Hempstead	TX	\$46.00
WJNL*	AM	Fort Bend Broadcasting Inc. (Former Licensee/Owner)	Kingsley	MI	N/A
WLDR**	FM	Great Northern Broadcasting System, Inc./FBMBC, Inc.	Traverse City	MI	\$2,059.00
KTXM***	FM	La Grange Broadcasting Corp. (Former Licensee/Owner)	Hallettsville	TX	N/A
KNRG	FM	Roy E. Henderson d/b/a as New Ulm Broadcasting Co.	New Ulm	TX	\$117.00
WBNZ	FM	Roy E. Henderson	Frankfort	MI	\$226.00
WOUF	FM	Roy E. Henderson	Beulah	MI	\$0.00
WCUZ	FM	Roy E. Henderson	Bear Lake	MI	\$0.00
WARD	AM	Roy E. Henderson	Petoskey	MI	\$14.00
KNVR	AM	Roy E. Henderson	San Saba	TX	\$144.00
KULM	FM	Roy E. Henderson	Columbus	TX	\$226.00
KLTR	FM	Roy E. Henderson	Brenham	TX	\$226.00
KJAZ	FM	Roy E. Henderson	Point Comfort	TX	\$0.00
KHTZ	FM	Roy E. Henderson	Ganado	TX	\$0.00
KBAL	FM	Roy E. Henderson	San Saba	TX	\$0.00
KEMA	FM	Roy E. Henderson	Three Rivers	TX	\$57.00
KAPN (f/k/a KULF)	FM	Roy E. Henderson (Former Licensee/Owner)	Caldwell	TX	\$226.00
KROY****	FM	Roy E. Henderson	Palacios	TX	\$82.00
					<b>\$3,524.00</b>

\*WJNL-AM: During relevant periods, Fort Bend BCG., Inc. (now FBMBC, Inc.) was the licensee and owner. Roy E. Henderson wholly owns FBMBC, Inc.

\*\*WLDR-FM: During relevant periods and prior to Great Northern BCG. (also wholly owned by Roy Henderson), Fort Bend BCG. (now FBMBC, Inc.) was the licensee.

\*\*\*KTXM-FM: La Grange BCG. (the former licensee/owner) is now and was during relevant periods wholly owned by Roy E. Henderson.

\*\*\*\*The 2009 monthly license fee for KROY-FM set forth in this schedule is based on Roy Henderson's representation that KROY has been off the air and has been operating at minimum capacity. Should evidence come to light that the station was operating at full capacity, the monthly license fee would be \$318.00.